

REMARKS

Claims 1-61 are canceled in this application after entry of the amendments. Claims 62-68 are added. New claim 62 corresponds to old claim 47. New claim 63 corresponds to old claim 49. Support for new claims 62-68 can be found on page 71, line 12 through line 24. Consideration of the new claims in light of the amendments, presented above, and the remarks presented below is respectfully requested.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Rejection under 35 U.S.C. § 102(b)

Claims 47-49, 52 and 53 were rejected under 35 U.S.C. § 102(b) as being anticipated by Meade et al., WO/95/15971. In particular, the Examiner asserts that Meade teaches methods for covalently attaching the electron transfer moiety (ETM) to the α -carbon or base of a monomeric subunit of the peptide nucleic acid (PNA).

New claims 62 and 63 have been added to claim a structure where ETM is connected to a PNA backbone via a linker. Such a structure was not disclosed in Meade. Accordingly, the 35 U.S.C. § 102(b) rejection is moot. Applicants respectfully request withdrawal of this rejection.

Rejection under 35 U.S.C. § 102(e)

Claims 47-49, 52 and 53 were rejected under 35 U.S.C. § 102(e) as being anticipated by Megerle et al., U.S. Patent No. 5,874,046. The Examiner asserts that Megerle discloses the same techniques that were taught in Meade. The arguments set forth above for the Meade reference apply equally to Megerle. Like Meade, Megerle does not disclose the structure claimed in new claims 62 and 63. Accordingly, the 35 U.S.C. § 102(e) rejection is moot. Applicants respectfully request withdrawal of this rejection.

Rejection Under 35 U.S.C. § 103(a)

Claims 47-49, 53, 60 and 61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mirkin et al., U.S. Patent No. 6,361,944. The arguments set forth above for the Meade reference apply equally to Mirkin. Particularly, Mirkin does not teach or suggest the structure claimed in new claims 62 and 63. Accordingly, the 35 U.S.C. § 103(a) rejection is moot. Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants respectfully submit that the new claims are in form for allowance and an early notification of such is requested. If the Examiner believes that any unresolved issues may be disposed of by telephone, he is respectfully requested to call the undersigned at (415) 781-1989. This paper is filed under 37 C.F.R. § 1.34(a).

Respectfully submitted,

DORSEY & WHITNEY, LLP

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By: Robin M. Silva
Robin M. Silva, Reg. No. 38,304

Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989
Fax: (415) 398-3249

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